



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,969	07/10/2001	Uichiro Fujino	4495-015	4323

7590 12/17/2004

Lowe Hauptman Gopstein
Gilman & Berner
Suite 310
1700 Diagonal Road
Alexandria, VA 22314

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
----------	--------------

3622

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,969

Applicant(s)

FUJINO, UICHIRO

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER
12/13/2004

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3622

NON-FINAL REJECTION

(Paper#12/13/2004)

ABSTRACT OBJECTION

1. The abstract is objected to because it does not enclose cited references figures in parenthesis.

DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM OBJECTIONS—Inferential claiming

2. Claims 10 & 11 objected to because of inferential claiming. There is no antecedent basis for the elements of “the prescribed entry-accepting period” or “the entry-accepting period. . . .”
3. Claims 12 & 13 are objected to because of inferential claiming. There is no antecedent basis for the elements of “the monetary or material prizes. . . .” in said claims.

Art Unit: 3622

CLAIM REJECTION — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3622

4. Claims 1-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sak 1999NL-1012128 (Pub. Date: November 23, 2000; DERWENT) (herein referred to as ("Sak").

As per claim 1, Sak (page 1) discloses: *"Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players."*

The Examiner interprets this disclosure as showing: "A prize contest system . . . on an Internet web page for . . . the number of visitors to the web page, wherein the web page is set as the object of the prize contest and a selection number is determined based on the count. . . ."

Sak lacks an explicit verbatim recital of: "A prize contest system employing an access counter . . . and a selection number is determined based on the count of the access counter at a predetermined date and time."

It would have been obvious to one of ordinary skill in the art at the time of the invention that the above cited disclosure of Sak cited above implicitly shows "A prize contest system employing an access counter . . . and a selection number is determined based on the count of the access counter at a predetermined date and time. . . ." and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing "A prize contest system employing an access counter . . . and a selection number is determined based on the count of the

Art Unit: 3622

access counter at a predetermined date and time. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where *“the identity and . . . records of every player are stored in a database . . . at the server. . . (see Sak (page 1), based on the motivation to modify Sak so that “At intervals, the server makes random selections from all registered players. The selected players are awarded prized.” (see Sak (page 2).*

As per claim 2, Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players.”*

The Examiner interprets this disclosure as showing: “A prize contest system . . . on an Internet web page for . . . the number of visitors to the web page, wherein the web page is set as the object of the prize contest and a selection number is determined based on . . . the count. . . .”

Sak lacks an explicit verbatim recital of: “A prize contest system employing an access counter . . . and a selection number is determined based on one or more digits in the count of the access counter at a predetermined date and time.”

“Official Notice” is taken that both the concepts and the advantages of: “A prize contest system employing an access counter . . . and a selection number is

Art Unit: 3622

determined based on one or more digits in the count of the access counter at a predetermined date and time. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “A prize contest system employing an access counter . . . and a selection number is determined based on one or more digits in the count of the access counter at a predetermined date and time. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where *“the identity and . . . records of every player are stored in a database . . . at the server. . . (see Sak (page 1), based on the motivation to modify Sak so that “At intervals, the server makes random selections from all registered players. The selected players are awarded prized.” (see Sak (page 2).*

As per claim 3, Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players.”*

The Examiner interprets this disclosure as showing: “A prize contest system . . . on an Internet web page for . . . the number of visitors to the web page, wherein the web page is set as the object of the prize contest and a selection number is determined based on . . . the count. . . .”

Art Unit: 3622

Sak lacks an explicit verbatim recital of: “A prize contest system employing an access counter . . . and a selection number is determined based on one or more low-order digits in the count of the access counter at a predetermined date and time.”

“Official Notice” is taken that both the concepts and the advantages of: “A prize contest system employing an access counter . . . and a selection number is determined based on one or more low-order digits in the count of the access counter at a predetermined date and time. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “A prize contest system employing an access counter . . . and a selection number is determined based on one or more low-order digits in the count of the access counter at a predetermined date and time. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where “*the identity and . . . records of every player are stored in a database . . . at the server. . .*” (see Sak (page 1), based on the motivation to modify Sak so that “*At intervals, the server makes random selections from all registered players. The selected players are awarded prized.*” (see Sak (page 2).

Art Unit: 3622

As per claim 4, Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players.”*

Sak (page 2) discloses: *“At intervals, the server makes random selections from all registered players. The selected players are awarded prized.”*

Sak (page 1) discloses: *“the identity and . . . records of every player are stored in a database . . . at the server. . . .”*

The Examiner interprets the disclosures as showing: “A prize contest system . . . on an Internet web page for . . . the number of visitors to the web page . . . means for determining a selection number based on the count . . . on the specified web page at a predetermined date and time; and means for receiving records of participants in the contest and the selection number the participants have predicted.”

Sak lacks an explicit verbatim recital of: “A prize contest system employing an access counter . . . means for specifying the web page of a company sponsoring the contest . . . the count of the access counter on the specified web page. . . .”

It would have been obvious to one of ordinary skill in the art at the time of the invention that the above cited disclosure of Sak cited above implicitly shows “A prize contest system employing an access counter . . . means for specifying the

Art Unit: 3622

web page of a company sponsoring the contest . . . the count of the access counter on the specified web page. . . .”; and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing “A prize contest system employing an access counter on an Internet web page for counting the number of visitors to the web page, the system comprising: means for specifying the web page of a company sponsoring the contest; means for determining a selection number based on the count of the access counter on the specified web page at a predetermined date and time; and means for receiving records of participants in the contest and the selection number the participants have predicted. . . .” because modification and interpretation of the cited disclosure of Sak would have provided means where *“the identity and . . . records of every player are stored in a database . . . at the server. . . (see Sak (page 1), based on the motivation to modify Sak so that “At intervals, the server makes random selections from all registered players. The selected players are awarded prized.” (see Sak (page 2).*

Claim 5 is rejected for at least substantially the same reasons as the reasons for rejecting claims 2 and 4.

Art Unit: 3622

Claim 6 is rejected for at least substantially the same reasons as the reasons for rejecting claims 3 and 4.

As per claim 7, Sak shows the system of claim 4.

Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players.”*

The Examiner interprets this disclosure as implicitly showing: “a prize contest system . . . [and a] company serving as the sponsor for the prize contest. . . .”

Sak lacks an explicit verbatim recital of: “a prize contest system employing an access counter . . . wherein the company serving as the sponsor for the prize contest is changed after a prescribed entry-accepting period.”

“Official Notice” is taken that both the concepts and the advantages of: “a prize contest system employing an access counter . . . wherein the company serving as the sponsor for the prize contest is changed after a prescribed entry-accepting period. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “a prize contest system employing an access counter . . . wherein the company serving as

Art Unit: 3622

the sponsor for the prize contest is changed after a prescribed entry-accepting period. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where *“the identity and . . . records of every player are stored in a database . . . at the server. . . (see Sak (page 1), based on the motivation to modify Sak so that “At intervals, the server makes random selections from all registered players. The selected players are awarded prized.” (see Sak (page 2).*

As per claim 8, Sak shows the system of claim 4.

Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players.”*

The Examiner interprets this disclosure as implicitly showing: “a prize contest system. . . .”

Sak lacks an explicit verbatim recital of: “a prize contest system employing an access counter . . . a counter numbers center for disclosing rules of the contest on the Internet and for recording predictions of the selection number received via the Internet from participants in the contest.”

”Official Notice” is taken that both the concepts and the advantages of: “a prize contest system employing an access counter . . . a counter numbers center

Art Unit: 3622

for disclosing rules of the contest on the Internet and for recording predictions of the selection number received via the Internet from participants in the contest. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “a prize contest system employing an access counter . . . a counter numbers center for disclosing rules of the contest on the Internet and for recording predictions of the selection number received via the Internet from participants in the contest. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where *“the identity and . . . records of every player are stored in a database . . . at the server. . . (see Sak (page 1), based on the motivation to modify Sak so that “At intervals, the server makes random selections from all registered players. The selected players are awarded prized.” (see Sak (page 2).*

As per claim 9, Sak shows the system of claim 8.

Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players.”*

The Examiner interprets this disclosure as implicitly showing: “a prize contest system. . . .”

Art Unit: 3622

Sak lacks an explicit verbatim recital of: “a prize contest system employing an access counter . . . wherein monetary or material prizes are awarded to winners of the contest only when the winners step forward and claim their prize from the counter numbers center.”

”Official Notice” is taken that both the concepts and the advantages of: “a prize contest system employing an access counter . . . wherein monetary or material prizes are awarded to winners of the contest only when the winners step forward and claim their prize from the counter numbers center. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “a prize contest system employing an access counter . . . wherein monetary or material prizes are awarded to winners of the contest only when the winners step forward and claim their prize from the counter numbers center. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where “*the identity and . . . records of every player are stored in a database . . . at the server. . .*” (see Sak (page 1), based on the motivation to modify Sak so that “*At intervals, the server makes random selections from all registered players. The selected players are awarded prized.*” (see Sak (page 2).

Art Unit: 3622

As per claim 10, Sak shows the system of claim 8.

Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players.”*

The Examiner interprets this disclosure as implicitly showing: “a prize contest system. . . .”

Sak lacks an explicit verbatim recital of: “a prize contest system employing an access counter . . . wherein a web server operated by the counter numbers center comprises: means for disclosing rules of the contest on a web page; means for receiving predictions of the selection number via the Internet during the[sic] prescribed entry-accepting period; means for reading the count of the access counter on the web page operated by the sponsor at the predetermined time after the entry-accepting period and for determining the selection number based on the count; and means for announcing the selection number on the web page.”

“Official Notice” is taken that both the concepts and the advantages of: “a prize contest system employing an access counter . . . wherein a web server operated by the counter numbers center comprises: means for disclosing rules of the contest on a web page; means for receiving predictions of the selection number via the Internet during the[sic] prescribed entry-accepting period; means for

Art Unit: 3622

reading the count of the access counter on the web page operated by the sponsor at the predetermined time after the entry-accepting period and for determining the selection number based on the count; and means for announcing the selection number on the web page. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “a prize contest system employing an access counter . . . wherein a web server operated by the counter numbers center comprises: means for disclosing rules of the contest on a web page; means for receiving predictions of the selection number via the Internet during the[sic] prescribed entry-accepting period; means for reading the count of the access counter on the web page operated by the sponsor at the predetermined time after the entry-accepting period and for determining the selection number based on the count; and means for announcing the selection number on the web page. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where “*the identity and . . . records of every player are stored in a database . . . at the server. . .* (see Sak (page 1), based on the motivation to modify Sak so that “*At intervals, the server makes random selections from all registered players. The selected players are awarded prized.*” (see Sak (page 2).

Art Unit: 3622

As per claim 11, Sak shows the system of claim 8.

Sak (page 1) discloses: *"Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players."*

The Examiner interprets this disclosure as implicitly showing: "a prize contest system. . . ."

Sak lacks an explicit verbatim recital of: "a prize contest system employing an access counter . . . wherein a web server operated by the counter numbers center comprises: means for disclosing rules of the contest on a web page; means for notifying via e-mail participants registered for an e-mail magazine regarding the rules of the contest; means for receiving predictions of the selection number via the Internet during the[sic] prescribed entry-accepting period; means for reading the count of the access counter on the web page operated by the sponsor at the predetermined time after the entry-accepting period and for determining the selection number based on the count; and means for notifying via e-mail participants registered for the e-mail magazine of the selection number; [and] means for announcing the selection number on the web page."

"Official Notice" is taken that both the concepts and the advantages of: "a prize contest system employing an access counter . . . wherein a web server operated by the counter numbers center comprises: means for disclosing rules of

Art Unit: 3622

the contest on a web page; means for notifying via e-mail participants registered for an e-mail magazine regarding the rules of the contest; means for receiving predictions of the selection number via the Internet during the[sic] prescribed entry-accepting period; means for reading the count of the access counter on the web page operated by the sponsor at the predetermined time after the entry-accepting period and for determining the selection number based on the count; and means for notifying via e-mail participants registered for the e-mail magazine of the selection number; [and] means for announcing the selection number on the web page. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “a prize contest system employing an access counter . . . wherein a web server operated by the counter numbers center comprises: means for disclosing rules of the contest on a web page; means for notifying via e-mail participants registered for an e-mail magazine regarding the rules of the contest; means for receiving predictions of the selection number via the Internet during the[sic] prescribed entry-accepting period; means for reading the count of the access counter on the web page operated by the sponsor at the predetermined time after the entry-accepting period and for determining the selection number based on the count; and means for notifying via e-mail participants registered for the e-mail magazine of the selection number;

Art Unit: 3622

[and] means for announcing the selection number on the web page. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where *“the identity and . . . records of every player are stored in a database . . . at the server. . . (see Sak (page 1), based on the motivation to modify Sak so that “At intervals, the server makes random selections from all registered players. The selected players are awarded prized.” (see Sak (page 2).*

As per claim 12, Sak shows the system of claim 1.

Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or infranet, awards prizes to individuals chosen at random from all players.”*

The Examiner interprets this disclosure as implicitly showing: “a prize contest system. . . .”

Sak lacks an explicit verbatim recital of: “a prize contest system employing an access counter . . . wherein the monetary or material prizes are carried over to the next prize contest when there are no winners or when the winners do not come forward to accept their prizes.”

“Official Notice” is taken that both the concepts and the advantages of: “a prize contest system employing an access counter . . . wherein the monetary or material prizes are carried over to the next prize contest when there are no winners

Art Unit: 3622

or when the winners do not come forward to accept their prizes. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “a prize contest system employing an access counter . . . wherein the monetary or material prizes are carried over to the next prize contest when there are no winners or when the winners do not come forward to accept their prizes. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where *“the identity and . . . records of every player are stored in a database . . . at the server. . . (see Sak (page 1), based on the motivation to modify Sak so that “At intervals, the server makes random selections from all registered players. The selected players are awarded prizes.” (see Sak (page 2).*

As per claim 13, Sak shows the system of claim 1.

Sak (page 1) discloses: *“Network system and software for playing computer game via Internet or intranet, awards prizes to individuals chosen at random from all players.”*

The Examiner interprets this disclosure as implicitly showing: “a prize contest system. . . .”

Art Unit: 3622

Sak lacks an explicit verbatim recital of: “a prize contest system employing an access counter . . . wherein the monetary or material prizes are divided among the winners when there is plurality of winners.”

”Official Notice” is taken that both the concepts and the advantages of: “a prize contest system employing an access counter . . . wherein the monetary or material prizes are divided among the winners when there is plurality of winners. . . .” were notoriously well known and expected in the art at the time of the invention because and it would have been obvious to modify and interpret the disclosure of Sak cited above as implicitly showing: “a prize contest system employing an access counter . . . wherein the monetary or material prizes are divided among the winners when there is plurality of winners. . . .”, because modification and interpretation of the cited disclosure of Sak would have provided means where “*the identity and . . . records of every player are stored in a database . . . at the server. . .* (see Sak (page 1), based on the motivation to modify Sak so that “*At intervals, the server makes random selections from all registered players. The selected players are awarded prized.*” (see Sak (page 2).

CONCLUSION

5. Any response to this action should be mailed to:

Serial Number: 09/869,969 (Fujino)

21

Art Unit: 3622

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Serial Number: 09/869,969

(Fujino)

22

Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

December 13, 2004